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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEW JERSEY**

_____	x
	:
BRAINTREE LABORATORIES, INC. and	: Honorable Christine P. O’Hearn, U.S.D.J.
SEBELA US INC.,	:
	: Civil Action No. 23 CV 2853 (CPO)(EAP)
Plaintiffs,	:
	: STIPULATION OF BRAINTREE
v.	: LABORATORIES, INC., SEBELA US
	: INC., LUPIN LTD. AND LUPIN
LUPIN LIMITED and LUPIN	: PHARMACEUTICALS, INC. AND
PHARMACEUTICALS, INC.,	: ORDER REGARDING DEPOSITIONS
	: AND DOCUMENTS
Defendants.	:
	:
_____	x

Plaintiffs Braintree Laboratories, Inc. and Sebela US Inc. (collectively, “Plaintiffs”) and Defendants Lupin Limited and Lupin Pharmaceuticals, Inc. (collectively, “Lupin”) through their counsel, hereby stipulate to the following:

WHEREAS Plaintiffs and Lupin have agreed to streamline and expedite resolution of discovery issues and conserve the parties’ and the Court’s resources, time, and expenses by stipulating and agreeing to certain issues as described below;

IT IS HEREBY STIPULATED AND AGREED by Plaintiffs and Lupin, by and through their respective undersigned counsel in the Action, that:

1. Lupin agrees it will withdraw its 30(b)(1) deposition notices of Vivian Caballero and Russell Pelham and forgo any deposition of David Chavous, whether as a 30(b)(1) or 30(b)(6) witness.

2. Plaintiffs agree they will not call David Chavous, Vivian Caballero or Russell Pelham to testify at trial in the above captioned matter.

3. Plaintiffs agree they will withdraw their 30(b)(1) deposition notices of Pritesh Upadhyay, Jason Gensburger, Pramod Dahibhate, T. Vijaya Kumar, and Vinayak Kadam and forgo any deposition of Pritesh Upadhyay as a 30(b)(6) witness.

4. Lupin agrees it will not call Pritesh Upadhyay, Jason Gensburger, Pramod Dahibhate, T. Vijaya Kumar, or Vinayak Kadam to testify at trial in the above captioned matter.

5. Any document produced in this matter by the parties and bearing indicia that it was submitted to the U.S. Food and Drug Administration (“FDA”) that constitutes a regulatory filing before the FDA (including New Drug Applications (“NDA”), “Investigational New Drug Applications (“IND”), Abbreviated New Drug Applications (“ANDA”), Drug Master Files (“DMF”), and any supplements or amendments thereto), and any document produced in this matter by the parties that constitutes correspondence to and from the FDA concerning any such regulatory filing, shall be deemed (1) prima facie authentic for purposes of admissibility at trial, subject to the terms of this Joint Stipulation including in ¶ 7, with no need for additional proof of authenticity at trial; and (2) a “business record” that meets the requirements of Federal Rule of Evidence 803(6) and therefore is not subject to exclusion from evidence at trial on grounds of hearsay, subject to the terms of this Joint Stipulation including in ¶ 7, provided that the trial exhibit appears to be unaltered from the condition in which the document was produced by the producing party.

6. Additionally, the following notebooks and research materials shall be deemed prima facie authentic for purposes of admissibility at trial, subject to the terms of this Joint

Stipulation including in ¶ 7, with no need for additional proof of authenticity at trial: 1) Lupin lab notebook Nos. 2861¹, 2944², 3003³, and 3060⁴; and 2) the Lupin Product Support documents produced at LUP-SMP0029546 and LUP-SMP0032552.

7. Nothing in this Joint Stipulation prohibits the parties from objecting to the admission of any document or thing on any other grounds, and it is agreed that the parties reserve all rights to object to the admission of any exhibit on grounds other than authenticity and the business record exception to hearsay. To the extent that a document is proffered at trial that is not agreed to be authentic or a business record pursuant to this Joint Stipulation, the party that proffers such exhibit bears the burden to establish admissibility, including as to authenticity and non-hearsay.

Dated: December 18, 2024

s/ Keith J. Miller

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¹ Including LUP-SMP0012285; LUP-SMP0012341; LUP-SMP0012368; LUP-SMP0012306; and LUP-SMP0034794.

² Including LUP-SMP0012398; LUP-SMP0012405; LUP-SMP0012479; LUP-SMP0012489; LUP-SMP0012426; LUP-SMP0012446; LUP-SMP0012452; and LUP-SMP0034796.

³ Including LUP-SMP0012512; LUP-SMP0012601; LUP-SMP0012533; LUP-SMP0012541; LUP-SMP0012547; LUP-SMP0012576; LUP-SMP0012578; and LUP-SMP0034822.

⁴ Including LUP-SMP0012653; LUP-SMP0012660; LUP-SMP0034854; LUP-SMP0034857; and LUP-SMP0034860.

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~~SO ORDERED:~~


Honorable Elizabeth A. Pascal, U.S.M.J.

Dated: December 31st, 2024